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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/715,502

11/19/2003

Myung Dae Oh

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EXAMINER

KEEFER, MICHAEL E

ART UNIT

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2154

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/715,502	Applicant(s) OH, MYUNG DAE	
	Examiner Michael E. Keefer	Art Unit 2154	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :2/6/2007, 3/10/2006, 11/19/2003.

### **DETAILED ACTION**

1. This Office Action is responsive to the Application filed 11/19/2003.

#### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Claim Objections***

3. Claim 9 is objected to because of the following informalities:

It is suggested that in line 1 the word --the-- be inserted after the word "wherein" to improve the clarity of the claim.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 3-5 and 7-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding **claim 1**, which is directed to a mobile communication method comprising the tests of transferring, receiving and transferring. In order for a claim to be statutory, it must have a useful, concrete and tangible result. In this case, merely transferring an accept message does not provide a real world result, nor is data stored anywhere for future use, nor is anything displayed or made available to a user.

**Claims 3-5 and 7-9**, which depend from claim 1 fail to add any tangible result to the method and thus are rejected for the same.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 7-18, 20-22 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Suumaki et al. (WO 00/49784), hereafter Suumaki.

Regarding **claim 1**, Suumaki discloses:

A mobile communication method comprising:

transferring a PDP context request message between a terminal and a network, the PDP context request message including an XID tag for determining at least a transfer parameter value; (page 3, lines 1-5 disclose inserting upper layer parameters (i.e. an XID tag) into a PDP context request setup message and transmitting the message.)

receiving the PDP context request message; (page 3, line 6, makes the reception of the PDP request inherent, or else the device would not be able to respond back.)

and transferring a PDP context accept message based on the received PDP context request message. (Page 3, lines 6-8 disclose receiving the context accept message from the network device.)

Regarding **claim 2 and as applied to claim 1**, Suumaki discloses:

further comprising transferring data between the network and the terminal after transferring the PDP context accept message. (page 3, line 8 "employing the agreed

Art Unit: 2154

parameters”, transferring data over the PDP connection is inherent, or else there would be no reason to set up a PDP connection.)

Regarding **claim 3 and as applied to claim 1**, Suumaki discloses:

wherein the XID tag comprises at least one bit. (it is inherent that the data would contain at least 1 bit, or else it would not exist)

Regarding **claim 7 and as applied to claim 1**, Suumaki discloses:

wherein the PDP context accept message includes an XID tag response message.

(Page 3. line 6 “a set of agreed upper layer parameters”)

Regarding **claim 8 and as applied to claims 1 and 7** Suumaki discloses:

wherein the XID tag comprises at least one bit. (it is inherent that the data would contain at least 1 bit, or else it would not exist)

Regarding **claim 9 and as applied to claims 1, 7, and 8** Suumaki discloses:

wherein XID tag indicates that the parameter value corresponds to a manner proposed by the terminal, or that a new XID negotiation procedure is to be executed. (Page 9, lines 1-7 disclose using the parameters to negotiate a set of acceptable parameters)

Regarding **claim 10**, Suumaki discloses:

A method of exchanging data between a mobile terminal and a network, the method comprising:

determining whether a context request message includes a tag; (the receiver must inherently determine if there is a tag, or else it would not be able to read the tag)

determining whether a manner proposed by the terminal is acceptable based on the tag; and (Page 9, lines 1-7 disclose using the parameters to negotiate a set of acceptable parameters)

transferring a context accept message to the terminal after setting at least one transfer parameter based on the manner proposed by the terminal. (Page 9, lines 7-11)

Regarding **claim 11 and as applied to claim 10**, Suumaki discloses:  
the tag comprises an XID tag to determine at least one transfer parameter. (XID tag is a list of parameters)

Regarding **claim 12 and as applied to claims 10-11**, Suumaki discloses:  
wherein the XID tag comprises at least one bit. (it is inherent that the data would contain at least 1 bit, or else it would not exist)

Regarding **claim 13 and as applied to claims 10-12**, Suumaki discloses:  
wherein the XID tag indicates a manner proposed by the terminal or that a new XID negotiation procedure is to be executed. (Page 9, lines 1-7 disclose using the parameters to negotiate a set of acceptable parameters)

Regarding **claim 14 and as applied to claim 10**, Suumaki discloses:  
wherein when the manner proposed by the terminal is not acceptable, the method further comprises executing a PDP context activation procedure and an XID negotiation procedure. (Page 9, lines 1-7 disclose using the parameters to negotiate a set of acceptable parameters)

Regarding **claim 15**, Suumaki discloses:

A mobile communication method comprising:

determining whether a transfer parameter tag is associated with a context request message; and (by using the parameters in the context request it is inherent that it is determined if the are there)

transferring data between a mobile terminal and a network based on information corresponding to the transfer parameter tag. (data is inherently transferred, page 3 lines 5-9 disclose setting up the network as per the parameters in the PDP context message)

Regarding **claim 16 and as applied to claim 15**, Suumaki discloses: wherein the context request message comprises a PDP context request message and the transfer parameter tag comprises an XID tag. (page 8, line 35 discloses a PDP context request message, and the L3CE parameters are inherently an XID tag)

Regarding **claim 17 and as applied to claim 15**, Suumaki discloses: further comprising determining whether a transfer manner is acceptable. (Page 9, lines 1-7 disclose using the parameters to negotiate a set of acceptable parameters)

Regarding **claim 18 and as applied to claims 15 and 17**, Suumaki discloses: further comprising performing a negotiation transfer parameter value if the transfer manner is determined not to be acceptable. (Page 9, lines 1-7 disclose using the parameters to negotiate a set of acceptable parameters)

Regarding **claim 20 and as applied to claim 15**, Suumaki discloses: wherein the tag indicates one of the parameter value corresponds to a manner proposed by the mobile terminal and that a new negotiation procedure is to be executed. (Page 9, lines 1-7 disclose using the parameters to negotiate a set of acceptable parameters)



Regarding **claim 21**, Suumaki discloses:

A mobile communication device comprising:

a transmitting/receiving device to transmit and receive information; (this is inherent as data is transmitted and received)

a processing device to provide a PDP context request message for transmission by the transmitting/receiving device, the PDP context request message including a tag for determining at least a transfer parameter value. (page 3, lines 1-5 disclose inserting upper layer parameters (i.e. an XID tag) into a PDP context request setup message and transmitting the message.)

Regarding **claim 22 and as applied to claim 21**, Suumaki discloses:

wherein the tag comprises at least one bit. (it is inherent that the data would contain at least 1 bit, or else it would not exist)

Regarding **claim 26 and as applied to claim 21**, Suumaki discloses:

wherein the tag indicates that the parameter value corresponds to one of a manner proposed by the mobile device and that a new XID negotiation procedure is to be executed. (Page 9, lines 1-7 disclose using the parameters to negotiate a set of acceptable parameters)

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 6, 19, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suumaki as applied to claims 1, 3, 15, 17, and 21 above, and further in view of Suumaki et al. (WO 01/47206), hereafter Suumaki '01.

Suumaki teaches all the limitations of claims 4, 6, 19, 23, and 25 except for an indicator triggering the use of the most previous communication setup.

The general concept of detecting whether to use the previous condition or not when setting up parameters is well known in the art as taught by Suumaki '01. (See abstract and Fig. 10, which teach using the previously set up parameters when an indicator is set to a certain value.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Suumaki with the general concept of detecting whether to use the previous condition or not when setting up parameters as taught by Suumaki '01 in order to allow the use of an old valid communication setup to increase efficiency.

9. Claims 4, 5, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suumaki as applied to claims 1, 3, and 21 above, and further in view of Scott (US 5852631).

Suumaki discloses all the limitations of claims 4-5 and 24 except for an indicator stating to use the default communication parameters for the network.

The general concept of using default setup parameters is well known in the art as taught by Scott. (Abstract)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Suumaki with the general concept of using default setup

Art Unit: 2154

parameters as taught by Scott in order to avoid link layer negotiation providing a faster connection. (Scott, abstract)


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E. Keefer whose telephone number is (571) 270-1591. The examiner can normally be reached on Monday-Thursday 7am-4:30pm, second Fridays 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MEK 6/19/2007

  
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